

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

KENNETH AND PAMELA PRICE JEAN

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Plaintiffs

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v.

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CITY OF ASHBURNHAM POLICE

*

DEPARTMENT, CITY OF WINCHENDON

*

POLICE DEPARTMENT, ROB HARRINGTON,

*

in his capacity as CHIEF OF THE WINCHENDON * **C.A. NO. 03-12306FDS**

POLICE DEPARTMENT, JACK MURRY, in his

*

capacity as CHIEF OF THE ASHBURNHAM

*

POLICE DEPARTMENT, TODD C. PARSONS

*

RAYMOND M. ANAIR, ROBERT BRENNON,

*

WILLIAM P. GEOFFROY, BRIAN HART,

*

KEVIN AHEARN, KEVIN E. WOLSKI

*

OFFICER JOHN DOE, OFFICER JOHN POE.

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Defendants

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JOINT MOTION TO EXTEND DISCOVERY DEADLINES

____ Now come the parties and jointly stipulate, pursuant to the Court's Scheduling Order, dated December 7, 2004, that the final deadline for fact discovery be extended from 9/14/05 to 2/28/06, as they are entitled to do under the Scheduling Order.

The parties also jointly move that the dates for expert witness disclosure are moved to dates consistent with this extension, so that the date for plaintiffs' designation of trial experts be extended from 10/14/05 to 3/31/06, that the deadline for deposing plaintiff's expert be extended from 12/14/05 to 4/30/06, that the date for designation of defendants' experts be extended from 11/14/05 to 5/30/06 and the deadline for deposing defendants' experts be extended from 12/14/05 to 5/30/06.

As reason, the parties state that they have engaged diligently in fact discovery for the past ten (10) months, having started approximately ten (10) deposition and completed approximately seven (7), but have had difficulty scheduling depositions due to the number of parties and the number of counsel. Presently the plaintiff's depositions are scheduled for December 8 and December 15, having been originally noticed and continued several times to accommodate schedule of counsel. In addition, three defendant police officers' depositions need to be completed and the deposition of one of the two plaintiff police chiefs needs to be taken. Additionally, the plaintiffs will need the Court's intervention with regard to a third party witness, who walked out in the middle of his deposition, after each of the defendants' counsel had the opportunity to examine but before either of plaintiffs' counsel could examine the witness.

Under the Court's Scheduling Order, the parties may extend fact discovery deadlines by mutual agreement, which they are doing. However, the parties seek to extend the time periods for disclosing and deposing experts to conform with the new fact discovery deadlines, extending expert witness dates accordingly, and need leave of Court to do so. The parties have engaged in discovery in good faith but have not been able to complete fact discovery within the time limits of the Scheduling Order and, accordingly, seek leave to adjust the Scheduling Order as proposed herein.

Respectfully submitted,
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by her counsel,

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Respectfully submitted,
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Date: _____

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